

Vigo County Public Library
One Library Square
Terre Haute, IN 47807

September 11, 2008

Marlene H Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

CC Docket No. 02-6
CC Docket No. 96-45
Request for Review/Waiver Request

Dear Ms. Dortch;

This is an appeal of USAC's decision to deny funding of FRN 1665683 in the FCDL dated July 1, 2008 and subsequently in the appeal to USAC dated July 9, 2009 and denied in a letter dated August 6, 2008.

The persons most able to discuss this appeal are:

Judy Carnal, E-rate contact for the library
PO Box 18088
Sarasota, FL 34276-1088
Phone: 941-378-4729
Fax: 941-371-4044
E-mail: jcarnal@admtec.com

Rex Miller, CFO
ENA
Phone: 615-312-6005
Fax: 615-312-6099
E-mail: rex@ena.com

Appellant Name: Vigo County Public Library
Service Provider Name: ENA Services, LLC
Appellant BEN: 130720
Service Provider Identification Number (SPIN): 143030857
Form 471 Application Number: 592629

Subject of Appeal: FRN 1665683

Text of the decision being appealed: Funding Commitment Decision

Explanation: MR1: Your FRN was changed from MTM to contractual to agree with applicant documentation. <><><><><> DR1: No contract was in place when the Form 471 certification was filed.

The library complied with all program rules in the filing of Funding Request 1665683 as a month to month service. The Form 470 (768950000630211) was filed on October 12, 2007 with an allowable contract date of November 9, 2007. Blocks 7a and 7b were checked on the Form 470 allowing for month-to-month service or contracted services to be utilized. The Form 471 was submitted on January 16, 2008 and certified on January 17, 2008, well beyond the allowable contract date and within the Form 471 filing window. The application as it was submitted and certified would have been funded as a month to month service. The applicant acknowledges

their error in requesting to add a contract date to this funding request via RAL after the submission of the Form 471.

We know that the FCC has allowed for the correction of certain types of errors through the Bishop Perry Order as well as additional FCC orders that allow for corrections of RAL changes. The library contends that the original filing was correct and requests that the FCC waive the RAL correction. Clearly, there is no evidence of fraud, waste or abuse. If funding is denied, the library may have to reduce Internet access which goes against the intent of the Universal Service legislation. We feel it is in the public interest to waive the RAL correction and approve FRN 1665683 as originally submitted.

Support and Further Discussion

Month to Month Service issue – In its appeal denial, USAC stated as part of its decision, that “the services you requested are not tariffed or month-to-month services.” We are unable to find any basis for that statement and strongly believe that the initial 471 filing by the library, if unchanged, would have resulted in the approval of a month to month telecommunications service.

Specifically, the Library performed the following steps –

1. Filed a 470 for telecommunications services including indication in Block 2 Item 7a that services may be requested as tariffed or month-to-month service. This designation allowed for the Library to select a vendor and create a month-to-month service relationship.
2. Waited for more than 28 days before selecting a vendor for services
3. Selected a vendor for services, ENA Services, LLC, and established a month to month service relationship without a written contract.
4. Filed a 471 for services indicating in Block 5 Item 15 that a MTM relationship had been established. It was clear that their intention was to indicate a MTM relationship as they did not submit a contract award or expiration date – consistent with an MTM relationship.

Note that the 471 instructions themselves clearly contemplate a wide range of month to month relationships

“Month-to-month services. Certain services are commonly offered on the basis of a month-to-month arrangement where there may be no contract between the customer and the service provider. These include services such as Internet access, cellular services and paging services.”

We believe at that point, the Library had effectively filed for E-Rate as a month to month service and if no adjustments were made to their filing, that it would have been approved as a month to month service.

RAL change to Contract Service issue – Subsequent to the compliant filing of the 471 as month to month service as described above, the Library and the vendor decided to enter into a contract. While the Library readily admits, that filing a second 471 after that contract date would have created a compliant 471 filing for the contract. The simple fact that a subsequent contract was prepared should not eliminate the Library from receiving E-Rate.

The Library was attempting to be compliant with E-Rate rules by indicating that it had changed its relationship from a month to month service to a contract relationship through the filing of an RAL change request. However, as a result of a form over substance evaluation by the SLD, the Library is currently facing a 100% penalty for an error that should be able to be corrected.

If the RAL change was corrected or removed and the original month to month service 471 filing was upheld, the Library would be penalized more appropriately by being required to file a new 470 in the subsequent E-Rate season to qualify for either contracted or month to month service as contemplated under the E-Rate rules.

The substance of this situation is that the Library and vendor agreed on a service to be provided on a month to month basis, as T-1 service is routinely purchased, then subsequently agreed to change this to a multi-year contract. The original transaction should not be discarded just because of a subsequent transaction.

Support for Approval of Appeal or Waiver

Over the past few years, the FCC has issued numerous orders that follow a belief that applicants should not lose necessary technology funding for ministerial and clerical errors in cases where there is no fraud, waste or abuse. In this case, there is clearly no evidence of fraud, waste or abuse and we appeal to the FCC to apply the same standard to allow funding in this case. Specifically, we believe the actions in the following orders among others, support the FCC in ruling for the Library –

Aberdeen School District, etal – FCC 07-63 – May 8, 2007 – in this order, the FCC grants 62 appeals related to deficiencies in timing of 471 filings and related ministerial or clerical errors. Specifically, the order states –

“We find that Petitioners’ errors related to the competitive bidding process do not warrant a complete rejection of their applications. We have examined the facts of each of these appeals and found that a waiver is warranted based on the circumstances presented and based on the fact that there is no evidence of waste, fraud or abuse.”

Cincinnati School District – DA 06-1107 – May 26, 2006 - in this order, the FCC grants the Petitioner a waiver related to timing of legally binding agreement. While we recognize that this order is limited to this situation, we believe the situation of the Library is similar in that the denial of funding would create an undue hardship.

Joseph Jingoli & Sons, Inc. etal – DA 07-4471 – October 30, 2007 – in this order the FCC grants 13 appeals related to inadvertent cancellation of funding requests several of which were related to errors in filing RAL change requests. We believe that the Library’s inadvertent RAL change

from Month to Month to contract is consistent with or less impactful than the changes made in error in the situations in this appeal. We believe the FCC's order in this appeal to be consistent with the request of the Library to grant its appeal or waiver related to its RAL and contract issue.

Adams County School District 14, etal – FCC 07-35 – March 28, 2007 – in this order the FCC grants 72 appeals related to violation of the Commission's requirement that a legally binding agreement be in place when the FCC Form 471 application is submitted. Specifically, the FCC again stated –

“These mistakes do not warrant the complete rejection of the Petitioners' applications for E-rate funding. Importantly, these appeals do not involve a misuse of funds.”

Summary

The Library requests approval of its appeal and/or waiver request for E-rate funding. The Library believes it complied with all E-Rate rules related to its initial filing for services on a month to month basis. The Library further believes that its inappropriate request to change its filing from month to month to contract should not result in complete rejection of the Library's E-rate application.

This situation is solely a ministerial or clerical issue and does not involve fraud, waste or abuse. Therefore, relief would be consistent with public interest and recent FCC orders. To deny this funding would create a significant hardship to the patrons of Vigo Co Public Library.

We appreciate your attention to this matter.

Sincerely,



Judy Carnal
E-rate Contact

FCC Form 471

Do not write in this area.

Approval by OMB
3060-0806

Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471

Estimated Average Burden Hours per Response: 4 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.)
The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier

(Create your own code to identify THIS form 471) 2008-263

Form 471 Application#

(To be assigned by administrator)

592629

Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)

1 a Name of Billed Entity VIGO COUNTY PUBLIC LIBRARY

2 a Funding Year: July 1, 2008 Through June 30: 2009

Billed Entity Number: 130720

4 a Street Address, P.O. Box, or Routing Number 1 LIBRARY SQ

City TERRE HAUTE

State IN

Zip Code 47807 3609

b Telephone Number 812-232-1113

c Fax Number 812-232-3208

5 a Type of Application

- ☐ Individual School (individual public or non-public school)
☐ School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)
☒ Library (including library system, library outlet/branch or library consortium as defined under LSTA)
☐ Consortium ☐ Check here if any members of this consortium are ineligible or non-governmental entities

6 Contact Person's Name Judy Carnal

First, if the Contact Person's Street Address is the same as in Item 4, check this box. If not, please complete the entries for the Street Address below.

b Street Address, P.O. Box, or Routing Number PO Box 18088

City Sarasota

State FL

Zip Code 34276 1088

☐ **c** Telephone Number 941-921-0905

☐ **d** Fax Number 941-921-0915

☒ **e** E-mail Address jcarnal@admtec.com

f Holiday/vacation/summer contact information same



Contact Person Judy Carnal Phone Number 941-921-0905

This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.

Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.

Block 2: Impact of Services Ordered on Schools

NOT APPLICABLE AS THIS APPLICATION IS FOR LIBRARY

Block 3: Impact of Services Ordered on Libraries

IF THIS APPLICATION INCLUDES LIBRARIES...

BEFORE ORDER

AFTER ORDER

7a Number of students to be served

103195

d Direct broadband services: Number of buildings served at the following speeds:

Less than 10 mbps

5

5

e Direct connections to the Internet: Number of drops

244

244

f Number of buildings with Internet access

5

5

g Number of computers or other devices with Internet access

214

214

Worksheet B No: 930041

Library Outlets/Branches: 5

Sum. Discount (Sum. Column 4): 300

Shared Discount: 60%

1. Library Name: MEADOWS BRANCH FSCS: IN 0189 003

2. Entity Number: 53593

3. School District where library outlet/branch is located: VIGO COUNTY SCHOOL CORPORATION

4. Discount: 60%

1. Library Name: NORTH BRANCH FSCS: IN 0189 004

2. Entity Number: 224557

3. School District where library outlet/branch is located: VIGO COUNTY SCHOOL CORPORATION

4. Discount: 60%

1. Library Name: SOUTHLAND BRANCH LIBRARY FSCS: IN 0189 005

2. Entity Number: 53579

3. School District where library outlet/branch is located: VIGO COUNTY SCHOOL CORPORATION

4. Discount: 60%

1. Library Name: VIGO COUNTY PUBLIC LIBRARY FSCS: IN 0189 002

2. Entity Number: 130720

3. School District where library outlet/branch is located: VIGO COUNTY SCHOOL CORPORATION

4. Discount: 60%

1. Library Name: WEST BRANCH LIBRARY FSCS: IN 0189 006

2. Entity Number: 53675

3. School District where library outlet/branch is located: VIGO COUNTY SCHOOL CORPORATION

4. Discount: 60%

CORPORATION

Block 5: Discount Funding Request(s)

FRN: 1665670 FCDL Date:	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 768950000630211
13. SPIN: 143004791	14. Service Provider Name: Verizon North Inc.
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: T
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 13 6304 2631423038 00	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 11/09/2007	18. Contract Award Date:
19a. Service Start Date: 07/01/2008	19b. Service End Date: 06/30/2009
20. Contract Expiration Date:	
21. Attachment #: 2008-263	22. Block 4 Worksheet No.: 930041
23a. Monthly Charges: \$1,664.22	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$1,664.22	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$19,970.64	
23f. Annual non-recurring (one-time) charges: 0 23g. Ineligible non-recurring amt.: 0	
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$19,970.64	
23j. % discount (from Block 4): 60	
23k. Funding Commitment Request (23i x 23j): \$11,982.38	

FRN: 1665675 FCDL Date:	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 768950000630211
13. SPIN: 143001192	14. Service Provider Name: AT&T Corporation
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: MTM
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 020 672 2487 001	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 11/09/2007	18. Contract Award Date:
19a. Service Start Date: 07/01/2008	19b. Service End Date: 06/30/2009
20. Contract Expiration Date:	
21. Attachment #: 2008-263	22. Block 4 Worksheet No.: 930041
23a. Monthly Charges: \$164.85	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$164.85	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$1,978.20	
23f. Annual non-recurring (one-time) charges: 0 23g. Ineligible non-recurring amt.: 0	
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$1,978.20	
23j. % discount (from Block 4): 60	
23k. Funding Commitment Request (23i x 23j): \$1,186.92	

FRN: 1665680 FCDL Date:	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 768950000630211
13. SPIN: 143000677	14. Service Provider Name: Verizon Wireless
15a. Non-Contracted tariffed/Month to Month	15b. Contract Number: MTM

Service: Y	
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 680768465-00001	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 11/09/2007	18. Contract Award Date:
19a. Service Start Date: 07/01/2008	19b. Service End Date: 06/30/2009
20. Contract Expiration Date:	
21. Attachment #: 2008-263	22. Block 4 Worksheet No.: 930041
23a. Monthly Charges: \$248.88	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$248.88	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$2,986.56	
23f. Annual non-recurring (one-time) charges: 0	
23g. Ineligible non-recurring amt.: 0	
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$2,986.56	
23j. % discount (from Block 4): 60	
23k. Funding Commitment Request (23i x 23j): \$1,791.94	

FRN: 1665683 FCDL Date:	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 768950000630211
13. SPIN: 143030857	14. Service Provider Name: ENA Services, LLC
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: MTM
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: NA	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 11/09/2007	18. Contract Award Date:
19a. Service Start Date: 07/01/2008	19b. Service End Date: 06/30/2009
20. Contract Expiration Date:	
21. Attachment #: 2008-263	22. Block 4 Worksheet No.: 930041
23a. Monthly Charges: \$2,300.00	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$2,300.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$27,600.00	
23f. Annual non-recurring (one-time) charges: 0	
23g. Ineligible non-recurring amt.: 0	
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$27,600.00	
23j. % discount (from Block 4): 60	
23k. Funding Commitment Request (23i x 23j): \$16,560.00	

Block 6: Certifications and Signature

Do not write in this area.

Application ID: 592629

Entity Number	130720	Applicant's Form Identifier	2008-263
Contact Person	Judy Carnal	Phone Number	941-921-0905

Block 6: Certifications and Signature

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)

- a. ☐ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities

25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23l on all Block 5 Discount Funding Requests.)	\$52,535.40
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$31,521.24
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$21,014.16
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$710,885.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$731,899.16
f.	<input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):

- a. ☐ an individual technology plan for using the services requested in this application; and/or
- b. ☒ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

27. ☒ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



28. ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
29. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
31. ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring

that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

32. ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
33. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity (ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity (ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
35. ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date

40. Printed name of authorized person
Nancy Dowell

41. Title or position of authorized person
Director

42a. **Street Address, P.O Box or Route Number**
One Library Square
City, State Zip Code
Terre Haute, IN 47807

42b. Telephone number of authorized person:
(812) 232-1113

42c. Fax number of authorized person:
(812) 235-1439

42d. E-mail of authorized person:
ndowell@vigo.lib.in.us

42e. Name of authorized person's employer
Vigo County Public Library

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement

contained in 47C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,
mail this form to:**

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**

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FCC Form 471

Services Ordered and Certification Form



Applicant's Form Identifier: 2008-263

Entity Number: 130720

Contact Person: Judy Carnal

Phone Number: (941) 921-0905

Block 6: Certifications and Signature

Do not write in this area

471 Application Number: 592629

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)

a. ☐ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or

b. ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities

25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entries from Item 23i on all Block 5 Discount Funding Requests.)	\$52,535.40
b.	Total funding commitment request amount on this Form 471 (Add the entries from Items 23k on all Block 5 Discount Funding Requests.)	\$31,521.24
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$21,014.16
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$710,885.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$731,899.16
f.	<input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):

- a. ☐ an individual technology plan for using the services requested in this application; and/or
b. ☒ higher-level technology plan(s) for using the services requested in this application; or
c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
27. ☒ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.
28. ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
29. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. ☒ I certify that the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
31. ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive and appropriate share of benefits from those services.
32. ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
33. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
35. ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or

services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g) (1),(2).

36. ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).

37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Cert ID = 236674

39. Date 1/17/2008

40. Printed name of authorized person **Nancy Dowell**

41. Title or position of authorized person **Director**

42a. Street Address, P.O Box or Route Number **One Library Square
Terre Haute, IN 47807**

42b. Telephone number of authorized person: **(812) 232-1113**

42c. Fax number of authorized person: **(812) 235-1439**

42d. E-mail of authorized person: **ndowell@vigo.lib.in.us**

42e. Name of authorized person's employer **Vigo County Public Library**

ATTENTION: If you are signing Form 471 using the PIN assigned to you by SLD, you are reminded that using the PIN is equivalent to your handwritten signature on the form. Your use of the PIN to affirm these certifications means that should they prove untrue, you will be held to the same enforcement standards as those who affirm the certifications on paper. Also, by using the PIN, you are affirming that you have the authority to make these certifications and represent the entity featured in Block One of this funding request.

Please Check to affirm your compliance ☒

**471 Application Number:
VIGO COUNTY PUBLIC LIBRARY
1 LIBRARY SQ
TERRE HAUTE, IN 47807 -3609**

The Americans with Disabilities Act, the individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Service Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington DC 20554.

Please retain a copy of this page and submit a copy with any communications to the SLD. Please enclose a copy of this confirmation page when mailing your Item 21 attachments. If you wish to submit your required Item 21 Attachment at this time using our online system, choose the icon below for the Item 21 Attachment.

[Return to SLD Home Page](#)[Create Item 21 Attachment](#)

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Schools and Libraries Division

Vigo County Public Library			AdTec Client No.		263		
471 Application No:			Entity No.		130720		
Line 21 Attachment No.			FCC RN		0012 1121 81		
			FSCS Code		IN-0189-002		
This library is in the Vigo County School Corporation boundaries, Vigo County, Indiana. This county is designated as Urban and the library discount is 60%.							
FRN	Service	Vendor	Account Number	No. Lines	Cost Per Line	Monthly Cost	Annual Cost
1665670	Description of Service: This is local service on 8 PBX trunk lines, 13 Centranet lines serving 5 locations and 2 OPX lines to each of four locations.						
	Local and Long Distance Telephone Service	Verizon	13 6304 2631423038 00				
	SPIN: 143004791		PBX Trunk lines	8	\$ 75.00	\$ 600.00	\$ 7,200.00
	USCN: 768950000630211		Centranet lines	13	\$ 44.94	\$ 584.22	\$ 7,010.64
			OPX lines (new)	8	\$ 60.00	\$ 480.00	\$ 5,760.00
		Tariff					
	eligible service:				\$ 1,664.22	\$ 19,970.64	
FRN	Description of Service: This is long distance service on 8 PBX trunk lines, 13 Centranet lines and 8 OPX lines serving 5 locations.						
1665675	Long Distance Service						
	SPIN: 143001192	AT&T	020 672 2487 001		\$ 164.85	\$ 1,978.20	
	USCN: 768950000630211						
		MTM					
	eligible service:				\$ 164.85	\$ 1,978.20	
FRN	Description of Service: This is cellular service on 6 lines with Internet access on one of these lines.						
1665680	Cellular Service						
	SPIN: 143000677	Verizon Wireless	680768465-00001	6	\$ 41.48	\$ 248.88	\$ 2,986.56
	USCN: 768950000630211						
		MTM					
					\$ 248.88	\$ 2,986.56	

	Service	Vendor	Account Number	No. Lines	Cost Per Line	Monthly Cost	Annual Cost
FRN	Description of Service: This is one T-1 with 1.5 Mbps to each of 4 locations for transmission of data and voice.						
1665683	High Speed Circuits						
	SPIN: 143030857	ENA Services		4	\$ 575.00	\$ 2,300.00	\$ 27,600.00
	USCN: 768950000630211						
		MTM					
	eligible service:				\$	2,300.00	\$ 27,600.00

Vigo County Public Library
One Library Square
Terre Haute, IN 47807

July 9, 2008

Letter of Appeal
Schools and Libraries Division -- Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, NJ 07981

This letter is an appeal of the Year 2008 Funding Commitment Decision Letter with the following identifying information:

1. The person most able to discuss this appeal:

Contact Person: Judy Carnal
Phone Number: 941-378-4729
Fax Number: 941-371-4044
Contact e-mail: jcarnal@admtec.com

2. Appellant Name: Vigo County Public Library
Service Provider Name: ENA Services, LLC

Appellant BEN: 130720
Service Provider Identification Number (SPIN): 143030857
Form 471 Application Number: 592629
Funding Commitment Decision Letter for Funding Year 2008

Subject of Appeal: FRN 1665683

Text of the decision being appealed: Funding Commitment Decision
Explanation: MR1: Your FRN was changed from MTM to contractual to agree with applicant documentation. <><><><><> DR1: No contract was in place when the Form 471 certification was filed.

This is an appeal of the denial of FRN 1665683 for 4 DS-1 Circuits in FCDL dated July 1, 2008. At submission of the Form 471, the service was listed as MTM and would have been fundable as such. The application was more than 28 days after the establishing 470 and MTM was an allowable category. The applicant in this situation complied with all FCC and E-Rate requirements related to the competitive bidding process prior to submission of its 471.

Subsequent to filing the 471, the applicant signed a contract for the same services with the same vendor. This contract was signed prior to the closing of the 471 window, but it was determined at that time that another 471 could not be completed in a timely manner. Therefore, a decision was made to make the change from MTM to contract via RAL, which we believed should be acceptable.

Based on the SLD's initial denial of this FRN, the decision to make an RAL change from MTM to contract was not acceptable to the SLD review team. Given that interpretation, we believe that our decision to change from MTM to contract is essentially an error. We believe this would qualify as a correctable ministerial and clerical error under Bishop Perry under the FCC Order adopted on October 30, 2007 as well as subsequent FCC orders that allow for corrections of RAL changes, which have included corrections of cancellations of FRNs.

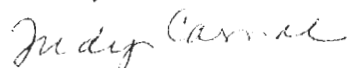
We request that the SLD correct this clerical error and approve the 471/FRN as originally filed as a month to month service. The error changing the paperwork from MTM to contract should not result in loss of funding for this applicant nor is it a case of waste, fraud or abuse meriting loss of funding. In general, this situation appears to meet the funding guidance that the FCC has been providing under Bishop Perry and similar subsequent orders that have allowed for funding when only clerical errors exist.

The vendor and applicant are both agreeable to returning to MTM service. All parties understand that this will require the applicant to post a 470 for these services for FY2009 and to adhere to standard procurement practices.

Posting the change to contracted service on the RAL was in error. I respectfully request that the service be returned to MTM as originally filed and that funding for FRN 1665683 be approved as originally submitted. If there is additional information required to process this appeal, please let me know.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Judy Carnal".

Judy Carnal
E-Rate Contact



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2008-2009

August 06, 2008

Judy Carnal
Ad Tec Administrative & Technical Consulting, Inc.
P.O. Box 18088
Sarasota, FL 34276-1088

Re: Applicant Name: VIGO COUNTY PUBLIC LIBRARY
Billed Entity Number: 130720
Form 471 Application Number: 592629
Funding Request Number(s): 1665683
Your Correspondence Dated: July 09, 2008

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2008 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1665683
Decision on Appeal: **Denied**
Explanation:

- On appeal, you state that subsequent to filing the FCC Form 471, Vigo County Public Library (the Library) signed a contract for the same services with the same provider (ENA Services, LLC). You also state that, during the RAL process, the Library decided to amend the form 471 and requested to change the services from Month to Month (MTM) to contract. On appeal you contest that these changes were made in error and request based upon the FCC Bishop Perry order for USAC to correct this ministerial and clerical error. You ask USAC to review the funding request as a MTM service. The record shows that USAC complied with the Library request and modified Block 5 of the Form 471 to indicate the services requested are being provided on a contractual basis. The record also shows that during the PIA review process, the library provided a contract copy. This documentation shows that the contract was signed on February 5, 2008, which is

after the Form 471 Certification Postmark Date of January 17, 2008. Since the contract was signed and submitted as a valid supporting document for the FRN in question, the change from MTM to contractual can not be considered a ministerial or clerical error. The rules of the Schools and Libraries support mechanism dictate that applicants must sign and date the contract prior to certifying the Form 471. Vigo County Public Library did not meet this rule requirement; therefore, the funding request was denied. On appeal, you have not demonstrated that USAC erred in its decision. Consequently, your appeal is denied.

USAC has determined that, at the time you submitted your FCC Form 471 application, you did not have a contract with your service provider, which meets your state and local or the FCC's definition of a contract. Additionally, the services you requested are not tariffed or month-to-month services. FCC rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." See 47 C.F.R. sec. 54.504(c). In your appeal, you did not demonstrate that USAC's decision was incorrect. As USAC does not have authority to waive the FCC rules of the program, your appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Judy Carnal